

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

CHARLES BRACCIODIETA,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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Hon. Joseph H. Rodriguez

Civil Action No. 09-5453

Criminal Nos. 97-33 and 97-96

**ORDER**

This matter having come before the Court on an application by Petitioner Charles Bracciodieta, pursuant to 28 U.S.C. § 2255, and the Court having considered the submissions of the parties, without an evidentiary hearing, and for the reasons set forth in the Opinion of even date,

IT IS on this 15<sup>th</sup> day of July, 2010 hereby

ORDERED that Petitioner's motion for default [4] is dismissed; and it is further

ORDERED that Petitioner's motion for an extension of time to respond [5] is dismissed; and it is further

ORDERED that the Government's motion to dismiss [3] is denied; and it is further

ORDERED that Petitioner's motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255 is denied; and it is further

ORDERED that, in light of the failure of Petitioner to demonstrate the denial of a constitutionally protected right and pursuant to 28 U.S.C. § 2253(c), no certificate of

appealability shall issue.

/s/ Joseph H. Rodriguez

Hon. Joseph H. Rodriguez,  
UNITED STATES DISTRICT JUDGE